

First Circuit Opinion Summaries by Findlaw

- [First Circuit Opinion Summaries by Findlaw](#) - with links to full-text opinions arranged by month.

Most Recent Summaries

Rueli v. Baystate Health, Inc.

August 23, 2016

Labor & Employment Law, Class Actions, Dispute Resolution & Arbitration

(United States First Circuit) - In a class action, brought by unionized nurses against their employer for unpaid wages and overtime pay in state court and removed to federal court, the district court's denial of plaintiffs' motion to remand and grant of defendants' motion for judgment on the pleadings is affirmed where: 1) the action was properly removed to federal court under the doctrine of complete preemption for claims interpreting collective bargaining agreements (CBAs), under section 301 of the Labor Management Relations Act; and 2) judgment on the pleadings for defendants was proper because the CBA required plaintiffs to first raise their wage claims through the given grievance procedure.

Marin-Portillo v. Lynch

August 23, 2016

Immigration Law

(United States First Circuit) - In an immigration action, brought by a petitioner who fled Guatemala after threats against his life were made by a police officer convicted in connection with killing his father, the Board of Immigration Appeals' order denying asylum and declining to withhold removal is affirmed where petitioner's grounds for fear of persecution come from a personal dispute rather than a statutory ground enumerated in 8 U.S.C., section 1101(a)(42)(A).

US v. Mercer

August 17, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Conviction and sentence for possession of cocaine with intent to distribute is affirmed where: 1) defendant's interactions with a suspected drug dealer, including sitting in a car outside a location used to consummate drug deals and apparent receipt of cocaine while in the car, supplied reasonable suspicion for police to stop defendant; 2) the district court did not err in permitting the prosecution to use an incriminating text message in rebuttal despite it arising from a discovery violation under F.R.Crim. P. 16(a)(1)(B) violation; and 3) the application of the dangerous weapon enhancement of U.S.S.G. section 2D1.1(b)(1) to defendant's padlock wrapped in a bandana was not error.

US v. Candelario-Santana

August 17, 2016

Criminal Law & Procedure

(United States First Circuit) - Convictions arising from a drug-related mass shooting in connection with a drug-trafficking and RICO enterprise are affirmed as to defendant David Oquendo-Rivas (Oquendo) but vacated as to defendant Alexis Candelario-Santana (Candelario). The Court held that the district court's feigned closure of the courtroom, including announcement of adjournment and the attorneys' feigned packing up, as an effort to protect a witness testifying against defendant Candelario from reprisals, amounted to an unconstitutional closure in violation of the Sixth Amendment requiring reversal of Candelario's conviction.

US v. Magee

August 17, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Conviction and sentence for multiple cocaine-related offenses and being a felon in possession of a firearm are affirmed where: 1) defendant was not entitled to a Franks hearing because the alleged omissions in the affidavit supporting the DEA's search warrant would not have altered the district court's finding of probable cause that defendant supplied cocaine to a co-defendant; and 2) the district court's sentencing determinations as to the drug quantity attributable to defendant was reasonable and defendant's category III criminal history calculation was harmless error under the circumstances.

US v. Fey

August 16, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for conviction for failure to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA), 18 U.S.C. section 2250(a), are: 1) vacated as to the condition restricting contact with children, where although restrictions on defendant's ability to interact with children might conceivably be justifiable under 18 U.S.C. section 3583(d), this associational condition must be vacated; but 2) otherwise affirmed.